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THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF NEW YORK

In re the matter of:

Arbitration Award by the Arbitrators of
 Healing My People, SSM dated August 25,
 2019, Jordan Mark Geiger, Movant

Case Number: D-NYN-1-19-MC-000057-001

MOTION FOR CONFIRMATION AND
 ENFORCEMENT OF ARBITRATION
 AWARD

Pursuant to 9 U.S.C. § 9, Movant Jordan Mark Geiger hereby submits this Motion with this Court for an Order confirming the Award issued by the Arbitrators of Healing My People, SSM on August 25, 2019 (Case/Party: D-NYN-1-19-MC-000057-001 Exhibit 1 attached hereto and made fully a part thereof) as well as entry of Final Judgment in favor of Jordan Mark Geiger to confirm the said arbitration award against PHH Mortgage Corporation, Glen A. Messina,, CEO, Everbank Wealth Management, Inc., David L. Conover, CEO, and Ras Citron, LLC for Damages of Four Hundred Two Thousand Three Hundred Dollars (\$402,300.00) and also ordering post-award interest at the highest rate per annum allowable under 28 U.S.C. § 1961 (a), as well as Order for PHH Mortgage Corporation, Glen A. Messina,, CEO, Everbank Wealth Management, Inc., David L. Conover, CEO and Ras Citron, LLC to cease all litigation against the property of Jordan Mark Geiger from the estoppel granted in the said Award.

MEMORANDUM OF POINTS AND AUTHORITIES

I. Jurisdictional Statement

The United States District Court for the Northern District of New York has jurisdiction in this case under 28 U.S.C. § 1332(a), as the parties are of diverse jurisdictions and the amount of the controversy exceeds \$75,000. Notice of Motion for Confirmation of Arbitration Award has been served upon the Respondents found within the district of the Northern District of New York; and have contemporaneously filed a Motion for Order for Service to enable service upon those Respondents not found within the Northern District of New York to comply with jurisdictional requirements under 9 U.S.C. § 9.

II. Venue

Venue is properly before this Court. Venue is determined by 9 U.S.C. § 9.

III. The Parties

Movant Jordan Mark Geiger is a resident of Union, New Jersey 07083.

Adverse Party PHH Mortgage Corporation, Glen A. Messina,, CEO has offices and conducts business in Albany, NY.

Adverse Party Everbank Wealth Management, Inc., David L. Conover, CEO has offices and conducts business in Albany, NY.

Adverse Party Ras Citron, LLC has offices and conducts business in Fairfield, NJ.

IV. Introduction

The specific grounds for this Motion are set forth under 9 U.S.C. § 9, to which is attached copy of the Award (Case/Party: D-NYN-1-19-MC-000057-001 Exhibit 1) issued by the Arbitrators in the subject arbitration. The Arbitrators found there is an Arbitration Agreement, and that the matters in dispute are arbitrable. As these and other matters have already been determined

by the Arbitrators, the question now before this Court is: "Did the United States District Court for the Eastern District of California issue an Order to Vacate, an Order to Modify, or an Order to Correct the subject Award issued by Healing My People, SSM dated August 25, 2019?"

"[t]here is nothing malleable about 'must grant,' which unequivocally tells courts to grant confirmation in all cases, except when one of the 'prescribed' exceptions applies." *Hall St. Assocs., LLC v. Manet, Inc.*, 552 U.S. 576, 587 (2008) *Henry Schein, Inc. v. Archer & White Sales, Inc.* (U.S. Supr. Ct. 01/08/2019)

V. Statements of Motion

1. Movant certifies that Copies of the Award (Case/Party: D-NYN-1-19-MC-000057-001 Exhibit 1) were sent to PHH Mortgage Corporation, Glen A. Messina,, CEO, Everbank Wealth Management, Inc., David L. Conover, CEO and Ras Citron, LLC on or about August 25, 2019.
2. The Award was a result of a Contract Dispute (Exhibit 2: Agreement, attached hereto and made fully a part thereof).
3. Notice of Motion for Confirmation and Enforcement of Arbitration Award has been served upon Respondents residing within the district of the Northern District of New York.
4. A Motion for Order of Service is contemporaneously filed to enable service by U.S. Marshal Service for Respondents residing outside the district of the Northern District of New York.
5. There has been no Motion to Vacate under 9 U.S. Code § 10 or Motion to Modify or Correct the Arbitration Award under 9 U.S. Code § 11 timely served upon Movant within the statute of limitations found in 9 U.S. Code § 12.
6. There is no order to vacate, to modify or correct the Award issued by the United States District Court as provided in 9 U.S. Code § 10 or 9 U.S. Code § 11.
7. The statute of limitations has expired to vacate or modify the award. Accordingly, the court has the obligation to confirm Petitioner's arbitration award into a judgment.

VI. Prayer

THEREFORE, pursuant to 9 U.S. Code § 9, Jordan Mark Geiger prays for this Court to enter Final Confirmation and Enforcement Judgment of the Arbitration Award in favor of Jordan Mark Geiger against PHH Mortgage Corporation, Glen A. Messina,, CEO, Everbank Wealth Management, Inc., David L. Conover, CEO and Ras Citron, LLC confirming the August 25, 2019 Arbitration Award by the Arbitrators of Healing My People, SSM against PHH Mortgage Corporation, Glen A. Messina,, CEO, Everbank Wealth Management, Inc., David L. Conover, CEO and Ras Citron, LLC, in the full amount of the Arbitration Award for the value of: Four Hundred Two Thousand Three Hundred Dollars (\$402,300.00) and that this Court order that failure to comply with the order within 30 days will incur interest at the highest rate per annum compounded monthly from the date of the award until final payment as provided by law.

Applicant asks that the Clerk of Court be directed to enter such an Order in the docket as if it was rendered in an action, and that the Order would have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to, a judgment in an action; and that it may be enforced as if it had been rendered in an action in the court in which it is entered pursuant to 9 U.S.C. § 9; and that the Clerk of Court be directed thereafter to close the case.

DATED: 12/06/2019

BY: 

WITHOUT PREJUDICE UCC 1-308
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